VIRGINIA EMPLOYMENT COMMISSION

MEMORAND	OUM TO:					DATE	1/15/2008
Florida	_X_	North Carolina	<u>X</u>	Kentucky	<u>X</u>	Pennsylvania_X_	
Texas	_X_	South Carolina	<u>X</u>	West Va.	<u>X</u>	Maryland X	
Georgia	<u>X</u>	Puerto Rico	<u>X</u>	Delaware	_X_	Other Alabama	
FROM:	Virginia El P. O. Box	vices Manager mployment Com 1358 I, Virginia 23211	mission				
SUBJECT:	SUBJECT: Request for Extension of Clearance Order No. 90410 .						
Extension is requested for the1 cop(ies) of the order which is/are attached,							
dated	1/	15/2008 for (No.	8	, <u>FAF</u>		KER, FIELD CROP 45	
(No. of Openings) (Occupational Title and Code) to be sent to the offices of your choice.							
COMMENTS * * *	: Please in	dicate below the	action take	n by your off	ice. ; cle	(signature)	<u>laham</u> * * * * *
						DATE	
The above request has been reviewed and action taken as indicated below:							
ACCEPTEDLocation(s) to which extend:							
	REJECTE	DRea	ason for Rej	ection:			
	COMMEN ⁻	TS:					
Number of add	ditional cop	pies required.					
						(signature)	

Agricultural and Food Processing Clearance Order Pedido de Empleados para Agricultura y Procesamiento de Alimentos

U.S. Department of Labor Employment and Training Administration



O.M.B. Approval No. 1205-0134, Expires 08/31/2009 1. Employer's Name and Address (Number, Street, City, State, Zip Code, and telephone number) Industry Code / Código de Industria Job Order #/No. Orden de Empleo Nombre y Dirección del Empleador (Número, calle, ciudad, código postal y teléfono) Dianis Brothers, George Dianis;938 Deerfield Road, Emporia, VA 23847 (434) 594-4379 Occupational Title and Code /Titulo Ocupacional y Código held Clearance Order Issue Date / Fecha de Tramite: 2. Location and Direction to Work Site / Dirección del lugar de trabajo Job Order Expiration Date / Fecha de expiración: Location: 938 Deerfield Road, Emporia, VA 23847 6. Anticipated Period of Employment / Periodo Anticipado de Empleo From Emporia, VA take Hwy 58W to W. N. Woodruff store on right. Turn right on Grassy Pond Road. Continue straight to Deerfield Road on Right. 1/4 mile on right on Deerfield Road. From/ Desde: 03/15/08 To / Hasta 12/01/08 7. No. of Worker's Requested / No. de Trabajadores Pedidos (see attachment / para más detalles vea 8 3. Location and Description of Housing / Dirección y Descripción de la Vivienda 8. Anticipated Hours of Work per Week / Horas Anticipadas de Trabajo por Semena 40 Single wide mobile home & barracks type block building located at 4206 Grassy Pond Road, Emporial, Sunday / Domingo Wednesday / Miercoles VA 23847. Housing is heated by propane & space for 8 persons . Housing will be clean and in Monday / Lunes Thursday / Jueves compliance with ETA 20 CFR 654 Housing Standards. Has complete furnishings with appliances. Worker Tuesday / Martes Friday / Viemes will be responsible for maintaining housing in a neat & clean manner. Reasonable repair cost of damage, Saturday / Sabado 5 other than that caused by normal wear & tear, will be charged to the worker who is found to be 9. Collect Calls Accepted/Se Aceptan Llamadas a Cobrar: responsible for damage to housing and/or furnishings. Housing & utilities are provided at no cost to Employer / El Empleador Yes ⊠ No □ workers who are unable to return to their place of residence the same day. See Attachment 1, Item 3 & Attachment 2 Local Office/Oficina Local (see attachment / para más detalles vea Yes ☐ No ☒ 4. Board Arrangements / Arreglo de Aloiamiento Workers will purchase ingredients and prepare own meals. Employer will furnish free & convenient cooking & kitchen facilities so that worker may prepare own meals. Employer will provide cooking, food preparation, & serving utensils at no cost to the workers. Employer will provide transportation to assure worker access to stores where one can purchase groceries if the employer is providing cooking & kitchen facilities. (see attachment / para más detalles vea 5. Referral Instructions / Instruciones para el Referimiento de Candidatos The referral under this job order is to be made to the South Hill local office of the Virginia Employment Commission utilizing the America's Job Bank for out-of-state referrals. The address of that office is Virginia Employment Commission Workforce Center; PO Box 485, 910 Mecklenburg Avenue, South Hill, VA 23970; Telephone (434) 447-8700. (see attachment / para más detalles vea 10. Job Specifications / Descripción del Trabajo [Summary of Material Job Specifications in ENGLISH must be included inside this box] To perform various duties associated with the production of tobacco such as cultivating, preparing rows for planting, planting, fertilizing, harvesting, spraying, loading & unloading of tobacco bales. (continued - See Attachment 1 Item 10) (see attachment / para más detalles vea .) 10 a. Descripción del Trabajo / Job Specifications [Summary of Material Job Specifications in SPANISH must be included inside this box] (see attachment / para más detalles vea 11. Wage Rates, Special Pay Information and Deductions / Tarifa de Pago, Información Sobre Pagos Especiales y Deducciónes (Rebajas) Crop Activities / Cultivos Hourly Wage Piece Rate / Unit(s) Special Pay (bonus, etc.) Deductions / YES NO Pay Period Salario por Hora Pago por Pieza / Unidad(es) Pagos Especiales (Bono, ect.) Deducciónes Periodo de Pago SI Farm Worker \$ 9.02* \$ NA NA Social Weekly / \$ \$ Federal Tax Χ Semanal impuestos Federales \$ \$ State Tax Impuestos X Bi-weekly / Estatales cada 2 sem. \$ Meals (comidas) X Other (specify)/ Otro X Other / Otro More Details About the Pay/Más Detalles Sobre el Pago * or Applicable AEWR See Attachment 1 Item 11 (see attachment / para más detalles vea 12. Transportation Arrangements / Arreglos de Transportación (Please explain) Employer does not advance transportation or subsistence pay from place of recruitment to place of employment. (See Attachment 1 Item 12) (see attachment / para más detalles vea 13. Is it the prevailing practice to use Farm Labor Contractors (FLC) to recruit, supervise, transport, house, or pay workers for this (these) crop activity(ies)? Es la costumbre en el area de usar Contratistas Agícolas para reclutar, supervisar, transportar, dar vivienda, ó pagarle a los trabajadores en este/estos tipo(s) de cosecha(s)/sembrado(s)? Yes/Si 🔲 No 🛛 If you have checked yes, what is the FLC wage for each activity?/Si contesto "Si," cual es el salario que le paga al Contratista Agrícola para cada actividad? 14. Unemployment Insurance provided / Seguro por Desempleo: Yes No 🗵 15. Workers' compensation insurance provided / Indemnización por accidente de trabajo: Yes 🛛 No 🗌 16. Are tools provided at no charge to the workers? / ¿Se le proveen las herramientas de trabajo a los trabajadores sin cargo alguno? Yes 🛛 No 🗌 17. List any arrangements which have been made with establishment owners or agents for the payment of a commission or other benefits for sales made to workers. (If there are no such arrangements, enter "None")/Indique todo acuerdo o convenio con los propietarios del establecimiento o sus representantes con respecto al pago de una comisión u otros beneficios por ventas hechas a los trabajadores. (Si no hay ningún acuerdo o convenio, indique "Ninguno") 18. List any strike, work stoppage, slowdown, or interruption of operation by the employees at the place where the workers will be employed. (If there are no such incidents, enter "None")/ Enumere todo huelga, paro o interrupción de las operaciones por parte de los empleados en el lugar de empleo. (Si no hay, indique "Ninguno") 19. Address of Order Holding Office (include Telephone number)/Dirección de la Oficina donde 20. Name of Local Office Representative (include direct dial telephone number) / Nombre se Radicó la Oferta (incluya número de teléfono) del Representante de la Oficina Local (Incluya numero de telefono) Virginia Employment Commission Workforce Center; PO Box 485;910 Mecklenburg Ave, South Ms. Eve Balgey (434) 447-8700 Hill, VA 23970 21. Employer's Certification: This job order describes the actual terms and conditions of the employment being offered by me and contains all the material terms and conditions of the job.

Certificacion del Empleador. Esta orden de trabajo describe los términos y condiciones de trabajo y contiene todos los materials, terminus, y condiciones ofrecidos.

Employer's Signature & Title/ Firma y Título del Empleador George Dianis, Partner

READ CAREFULLY: In view of the statutorily established basic function of the Employment Service as a no-fee labor exchange, that is, as a forum for bringing together employers and job seekers, neither the ETA nor the State agencies are guarantors of the accuracy or truth-fullness of information contained on job orders submitted by employers. Nor does any job order accepted or recruited upon by the One-Stop Career Center constitute a contractual job offer to which the One-Stop Career Center, ETA or a State agency is in any way a party. LEASE CUIDADOSAMENTE: En vista de su función básica establecida estatutariamente el Servicio de Empleo es un intercambio gratis de trabajo para juntar a los empleadores y trabajadores que buscan empleo, ni ETA ni las agencias del estado pueden garantizar la verdad y certeza de la información contenida en la Orden de Trabajo sometida por el Empleador. Tampoco, ninguna orden de trabajo aceptada o reclutada por el Servicio de Empleos constituye una oferta contractual de la cual ETA ni la agencia del Estado son parte

Public reporting burden for the ETA Form 790 is estimated to be approximately 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and reviewing the collection. Respondents obligagation to reply to these requirements are mandatory by 20 CFR 653.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing the burden can be sent to the U.S. Department of Labor, Office of Workforce Investment, Room S-4321, Washington, D.C. 20210 (Paperwork Reduction Project 1205-0134).

ATTACHMENT 1 for Dianis Brothers, George Dianis

(Used for further detail of ETA 790; Item numbers below correlate to item numbers on ETA 790)

Page 1

Item 3 - Location & Description of Housing

Housing is a single wide mobile home and barracks style building located at 4206 Grassy Pond Road, Emporia, VA just at the farm operation @ 938 Deerfield Road, Emporia, VA 23847.

Item 10 – Job Specifications

Workers will perform various duties related to production of tobacco to include the preparation of greenhouses for growing of tobacco seeds which includes replacing plastic flooring, cleaning & seeding of plant trays, applying fertilizer and pesticides, maintaining proper greenhouse environmental conditions to include monitoring of house temperatures to promote plant growth. Workers will cultivate fields, prepare rows for planting, plant tobacco, apply fertilizer and spray pesticides as necessary. Workers will remove tops and suckers by hand. Once plants reach maturity, leaves will be pulled from plants and then transported to the barn site. At the barn site, leaves will be placed in tobacco barns.

Once tobacco has been properly cured, it will be removed from barns, and baled into containers that hold up to 800lbs of cured tobacco. These bales are then lifted by electric hoist & placed on truck for transport to a warehouse.

General Conditions Applicable to All Crops: Work begins at an assigned time shortly after daylight. Work is performed under wet, humid conditions during light rain, cold temperatures, and excessive heat. Workers will work and perform repetitive tasks on their feet in bent and stooped positions for long periods of time pulling mature leaves from the tobacco plants that are from two (2) to ten (10) inches from the ground. Workers will use muscles to lift, push, pull, or carry heavy objects such as flats, tobacco trailers, and racks going in & out of tobacco barns. All of the tasks in this job description constitute one (1) job; the employer may assign workers to different tasks on any day or to multiple tasks during the same day in the sole judgment of the employer. Workers may be required to perform work on the farm that is incidental to producing the crops such as performing hand weeding or hoeing, greenhouse cleaning and repairing buildings, maintaining grounds, operate tractor/farm equipment, incidental crop setup when needed and movement of irrigation systems and equipment, gardening, etc. Other duties that run concurrently with those described for tobacco include the harvest of hay/straw which requires workers to bend, stoop, and lift bales to load or stack to a truck or trailer. However, this is a minor part of the total percentage of hours worked. In addition, cover crops of soy beans, rye, or wheat are sewn after tobacco harvest to prepare the soil for next year's production of tobacco. This is a very demanding and competitive business in which quality specifications must be rigorously adhered to. Sloppy work cannot and will not be tolerated.

Employer will provide tools and equipment at no cost for workers to perform the above tasks. Workers will be charged for any willful damage to or loss of such tools and equipment.

Full Crop Commitment: This is regular work seven hours per day, Monday – Friday, and five hours on Saturday for the full remainder of the period of employment. The worker agrees to work for assigned employer whenever work is available during the full remaining period of employment even though work may be slack at times. The worker understands that if he quits or is terminated for cause prior to the end of the period of the employment, he will not receive the ¾ guarantees discussed below and will not receive certain transportation reimbursements discussed below.

Item 11 – Wage Rates, Special Pay Information and Deductions

The current Adverse Effect Wage Rate (AEWR) of \$9.02 per hour or the AEWR in effect at the time work is performed, the prevailing hourly rate, or the legal Federal or State Minimum Wage Rate, whichever is highest, is guaranteed to all workers. In the event the US Department of Labor (DOL) promulgates a new AEWR during the recruitment or work contract period that is lower than the current AEWR at the time of application, the employer will pay the newly established AEWR.

The employer guarantees to offer employment for a minimum of three-quarters (3/4) of the workdays of the total specified period during which the work contract and all extensions thereof are in effect beginning with the first work day after worker's arrival at the place of employment and ending on the expiration date specified in the work contract or extensions thereof. In Act of God terminations, the three-quarters (3/4) guarantee period ends on the date of termination. The worker is not required to work more than eight (8) hours per day except when otherwise stated in the job order or on the worker's Sabbath or federal holiday to meet the guarantee period. The employer guarantees the worker the amount the worker would have earned had the worker in fact worked for the guaranteed number of days.

Worker will be paid weekly.

The employer will provide worker who is referred through the Interstate Clearance System forty (40) hours of work for the week beginning with the anticipated date of need unless the employer has amended the date of need by notifying the local office no later than ten (10) days before the date of need. If the employer fails to notify the order holding office, then the employer shall pay an eligible worker who is referred through the Clearance System \$9.02 per hour for the first week starting with the originally anticipated date of need. The employer will require the worker to perform alternative work if the guarantee cited in this section is involved. The alternative work and pay will be \$9.02 per hour for other work related to farm maintenance activities required in operating an agricultural operation. If the worker who is referred fails to notify the order holding office of continued interest in the job at least five (5) days before the date of need, worker will be disqualified from the above mentioned assurance.

The employer will make the following deductions: FICA (X) Federal Taxes (X) State Taxes as applicable.

Eight (8) hours per day is normal. The worker may be requested but not required to work more hours per day and/or on the Sabbath depending upon conditions in the greenhouses and fields. The employer will designate time for lunch and breaks. Worker may be requested to work Saturday and Sunday during peak times and special needs but not required. This requirement pertains to both alien and US workers as per instructions in the H-2A Program Information Booklet.

Item 12 – Transportation

The employer will reimburse worker upon completion of 50% of the work contract for transportation and daily subsistence (not less than \$9.52 per day) from the place from which the worker, without intervening employment will come to work for the employer. In addition, those workers paying such transportation and subsistence expenses and who are terminated by the employer as a result of an Act of God (an Act of God shall mean any frost, hail, stones, flood or natural calamity of such character as to make further fulfillment of this contract impossible), and the RA certifies, or as a result of mutual agreement by worker and employer shall be reimbursed the same. All payment aforesaid shall be due on a day not later than the first day subsequent to the completion of the minimum employment period. In the case of termination as a result of an Act of God, the employer will also provide or pay the cost of return transportation and subsistence enroute from the place of employment to the place of recruitment, except when the worker is not returning to the place of recruitment and has subsequent employment with an employer who will bear transportation expenses.

If the worker completes his contract, the employer will provide or pay the cost of return transportation and subsistence enroute from the place of recruitment except when the worker is not returning to the place of recruitment, and has subsequent employment with an employer who will bear transportation expenses.

If the worker voluntarily abandons his employment or is terminated for cause prior to completion of his contract, the employer will not be responsible for providing or paying the cost of return transportation and subsistence enroute from the place of employment to the place of recruitment. All transportation provided by the employer will be by common carrier or other transportation facilities that conform to applicable regulations of the Interstate Commerce Commission. The employer will provide worker transportation from the living quarters to the work site and back each day at no cost to the worker.

Other Conditions of Employment

<u>Termination:</u> – The employer may terminate the worker with notification to the employment service local office if the worker (a) refuses without justified cause to perform work for which the worker was recruited and hired or (b) commits serious acts of misconduct.

In the event of termination resulting from an Act of God, the employer will provide or pay reasonable costs of return transportation and subsistence to the place of recruitment and reimburse worker for reasonable costs of transportation and subsistence incurred by the worker to the place of employment.

<u>Training:</u> - The only work standards required of any alien or US worker will be that after a three (3) day training period each worker possess the physical capabilities to work in greenhouse produced crops.

<u>Injuries:</u> - Worker will be covered by Workers Compensation Insurance or equivalent employer provided insurance for injuries arising out of and in the course of employment. Employer's proof of insurance coverage will be provided to the Regional Administrator before certification is granted.

<u>Tools, Supplies, & Equipment:</u> Employer will provide without charge all tools, supplies, and equipment to the worker.

Employer Obligation if Employment is Extended: No extension of employment beyond the period of employment specified in the job order shall relieve the employer from paying the wages already earned, or if specified in the job order as a term of employment, providing transportation or paying return transportation expenses to the worker.

Employer Notification of Changes in Employment Terms and Conditions: - Employer will expeditiously notify the Order Holding Local Office or State Agency by telephone immediately upon learning that a crop is maturing earlier or later, or weather conditions, over recruitment or other factors have changed the terms and conditions of employment.

Outreach Workers: Outreach workers shall have reasonable access to the worker in the conduct of outreach activities. The employer agrees to comply by all assurances of 20 CFR 653.107, 20 CFR 653.501, and 20 CFR 655.103.

Work Agreement: - The employer will provide a copy of the contract of Job Clearance Order to the worker no later than on the day the work commences.

<u>Wage Statements:</u> - Employer will furnish the worker on or before each pay period written statements showing the hours actually worked by the worker, the worker's hourly rate of pay, the hours of employment offered including those above the guarantee and total earnings for the pay period. Add deductions will be itemized.

Other: - Worker must have necessary documents to complete INS Form I-9 upon hiring but not prior to the interview. Workers will have up to three (3) days from date of hire to provide I-9 documents.

The employer's anticipated work force equals 8 workers.

ATTACHMENT 2 COMMUNITY SERVICES

Page 1

Greensville/Emporia Dept of Social Services

Highway 58 East Emporia, VA 23847

Telephone: (434) 634-6576

Emporia Fire Department

209 Halifax Street Emporia, VA 23847

Telephone: (434) 634-7340

Emporia Police Department

310 Budd Street Emporia, VA 23847

Telephone: (434) 634-2121

Virginia State Police

Highway 301 North Emporia, VA 23847

Telephone: (434) 634-4454

Halifax Regional Medical Center

250 Smith Church Road

Roanoke Rapids, NC 27870

Telephone: (252) 535-8011

Provides inpatient & outpatient emergency care, emergency room service,

Surgery, and intensive care unit, etc.

Virginia Justice Center for Farm & Immigrant Workers

Tim Freilich, Attorney at Law 1000 Preston Avenue, Suite A Charlottesville, VA 22903

Telephone: (434) 977-0553 Fax: (434) 977-0558 Toll Free: 1-800-578-8111

International: 1-800-892-1751

APPLICATION FOR CONDITIONAL ENTRY

I, George Dianis of Dianis Brothers, as the employer, agree to abide by the regulations at 20 CFR 655.103 and 20 CFR 653.501.

I hereby request permission for conditional entry into the intrastate/interstate clearance system so that my job order can be transmitted to labor supply states in a timely manner to facilitate the recruitment of workers.

As a condition to placing my order into clearance, I, George Dianis of Dianis Brothers certify that 30 days prior to occupancy, my housing will meet standards of the US Department of Labor.

I also authorize representatives of the Virginia Employment Service, the Virginia Health Department and/or the US Employment and Training Administration to inspect the housing that I am offering such workers at any reasonable time to verify its condition.

I expect my housing to be occupied by March 15, 2008.

George Dianis, Partner

 $\frac{1-9-08}{\text{Date}}$

Agency VA. EMPLYMENT COMMI	Salgencia Estatal VEC			
MMARY OF EMPLOYMENT CONDITIONS ECIFIED ON JOB ORDER	SUMARIO DE LAS CONDICIONES DE EMPLEO QUE SON ESPECIFICADAS EN LA ORDEN DE TRABAJO			
Order Number: 90410	1. Numero de la Orden: 9041)			
1. Name of Employer: DIANIS BRUTHERS	2. Nombre del Empleadar: DIANIS BEUTHERS			
3. Location of Employer and Directions: 938 DEERHEUD RD EMPORIA VA 73847	3. Lugar y Direccion del Empleador: 938 DEERFIELD RO EMPORIA VA 23847			
1. Period of Employment: From 3-15-08 To 17-01-08	4. Periodo de Empleo: Del 3-15-08 AI 12-01-08			
Hours per day Days per week	5. Horario del Trabajo: Horas por dia Numero de dias por semana			
Crop and Pay: Estimated Hourly Unit of Piece Hourly rop Wage Production Rate Wage Obacw 902	6. Cosecha y Pago: Sueldo por Unidad de Pago por Cosecha Hora Produccion unidad Docco			
nus:	Calculo Anticipado del Sueldo por Hora			
Work tasks to be performed:	7. Labores a desempenar en el trabajo:			
Regular: PREPARE PLANT + PREPARE	1			
HARVEST BY HAND	Normales: REPARAR AS CAMAS, LA TIERRA PLANTAR, CULTIVAY, Y PISCAY EL JOBACCO Z MANO			
Iternate tasks and pay during first week in case of rop delay (see item 12) ZEPPEE FIELDS -1 BARNS ZMOVING STAVES From FIELDS EPAIRING FENCES - OTHER ZELATING WORK TO THE FARM	Labores alternativas y pago por la primera semana en caso de demora en la cosecha (vease punto numbero 12): PERPARENE LA TERRA, LA GRANJA LIMPIAR LA LABOR, MANTENER La CERCA Y CHALQUIR OTRO			
	trabail.			

8. Transportation provided: yes [X no []	8. Transportacion Proveida: si		
9. Housing can accomodate number of people individual [X family []	9. Viviendas disponibles para persona individuos [1]		
10. Meals: Provided: yes[] no[A If yes: Cost per day Workers must do their own cooking yes[X no[]	10. Comidas Proveidas: si [] no [] Si son proveidas, el costo por dia sera Los trabajadoras tienen que cocinar sus comidas si [] no []		
11. Deductions: Type Amount YES Income Tax Meals Transportation Tools & Equipment Crewleaders charges	11. Deducciones: Clase Cantidad Seguro Social Impuestos Sobre Ingresos Comidas Transportacion Herramientas y Maquinarias Sumas Cobradas por el Contrastista de Trabajedores Agricolas		
12. NOTES TO WORKER A copy of the full job order is available for inspection in this office. The employer has guaranteed your first week's wages unless he notifies the Job Service of a later starting date by 3-4-00 . In order for you to be eligible for this guarantee, you must contact the Job Service office at Virginia Employment Commission 910 N. Mocklenburg Avenue PO Box 485 South Hill, VA 23970 Phone: 434-447-8700 Fax: 434-447-5842	Una copia de la orden completa esta dispon en esta officina gara su inspeccion. El empleador ha garantinado al pago por su primera semana de empleo, a menos que el notifique al Servicio de Empleos que la fec de comenzar a trabajar sera atrasada, y 'que tal notificacion sea a mas tardar el		
during the period of 3-7-06-3-12-06 any Job Service office will assist you in doing this.	durante el periodo del <u>3-7-0%</u> al <u>3 12 0 0</u> Cualquier Oficina del Servicio de Empleos le asistira en		

hacarlo.